



November 11, 2013

City of Annapolis
Neighborhood and Environmental Programs
160 Duke of Gloucester Street
Annapolis, MD 21401

Attn: Frank Biba

**Re: 3 MILKSHAKE LANE
ANNAPOLIS, MD 21401
FOREST STAND DELINEATION
RESPONSE TO COMMENTS**

Dear Mr. Biba:

The following is a point-by-point response to the comments generated in a letter dated September 16, 2013. We have organized the comments (copy attached) and our respective responses as follows:

DEPT. OF NEIGHBORHOOD & ENVIRONMENTAL PROGRAMS

- Response 1:** Please refer to the attached response letter from Michael Klebasko, Klebasko Environmental, LLC, dated October 25, 2013.
- Response 2:** The layout has been revised to preserve tree #25 and minimize impacts to the critical root zones of trees #28, 29, 43, 44, 45, and 46. As noted in P&Z comment #1 the condition of tree #20 warrants its removal. In addition the layout around #59 has been modified to minimize disturbance to the CRZ. Once the FCP plan meets with DNEP approval formal variance requests will be submitted to your review.
- Response 3:** as suggested the plan has been revised to relocate as much SWM as possible around the site in ESD practices with minimal improvements to the existing SWM pond. These changes will minimize the disturbance to the CRZ of tree #3.
- Response 4:** utilities and preliminary grades have been provided as requested.

PLANNING & ZONING

- Response 1:** Unit #3 has been eliminated and units #1 and #2 relocated to minimize CRZ disturbance. The applicant has revised the layout to preserve this natural buffer that has become a part of the site landscape.
- Response 2:** We acknowledge the importance of trees #2, 3, and 4 and have modified the SWM approach, realigned the road and continue to propose a natural path material (i.e., mulch, mowed grass strip, etc.) which will minimize disturbance to both the trees and their CRZ's.

Response 3: Refer to DNEP response #3 above.

Response 4: Units #17 and 18 (previously 18 and 19) as well as the alleyway and units #19-23 have been shifted and repositioned to minimize disturbance to the CRZ of tree #59.

Response 5: We acknowledge your comment and show tree #63 being preserved.

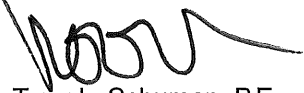
In closing please note in response to your comments the proposed development density has been reduced by one unit from 30 to 29 dwellings. In addition in comparison with our previous submittal (7/2/13) the LOD has been reduced from 147,077 sq ft to 130,228 sq ft which is a reduction of 11.5% with the CRZ disturbance and impact to proposed saved trees being reduced by 45.8% with the individual tree disturbance breakdown as follows:

TREE	TREE CRZ TOTAL (SF)	7/2/13 SUBMITTAL	CURRENT SUBMITTAL
		CRZ DISTURBANCE (SF)	CRZ DISTURBANCE (SF)
2	19,114	4,121	2,226
3	13,685	5,381	2,218
4	10,207	4,996	2,794
18	6,082	36	272
19	6,362	286	1,498
25	6,082	1,604	1,036
28	5,281	1,098	466
29	6,940	1,204	497
44	2,828	244	72
43	10,207	2,650	1,250
45	11,310	2,367	360
46	6,940	3,324	1,631
59	4,537	1,941	1,469
63	10,207	1,604	936

I trust that our responses and plans will meet with your approval of this formal FSD resubmittal. If you should have any questions or comments, please do not hesitate to contact me.

Thank you for your efforts in this regard.

Sincerely,
BAY ENGINEERING, INC.



Terry L. Schuman, P.E.

cc: Mike Burlbaugh, Elm Street
Cary Hulse, Davey Resource Group



October 25, 2013

Mr. Terry Schuman, P.E.
Bay Engineering, Inc.
190 Admiral Cochrane Drive, Suite 175
Annapolis, Maryland 21401

Re: Lots 1A-R and 1B-R located at 3 Milkshake Lane, Annapolis

Dear Mr. Schuman:

At your request, I reviewed Comment #1 in the Department of Neighborhood & Environmental Program's letter dated September 16, 2013 from Frank Biba. That comment suggests that an area in the southwest side of the property may qualify as a forest and requests that the Forest Conservation Worksheet be re-calculated accordingly. As you know, I performed a Forest Stand Delineation (FSD) on the entire property during May of 2012, and subsequently prepared a Simplified FSD Plan that I certified on May 17, 2012. As defined in Natural Resource Article Section 5-1601(k), a "Forest" means a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. My field investigation revealed that the area in question is only 7,455 square feet in size and therefore does not meet the minimum 10,000-square foot size requirement to qualify as a forest. As noted on the Simplified FSD Plan, the area in question is dominated by black cherry and has a thick herbaceous ground cover of invasive and nuisance species such as poison ivy, Japanese honeysuckle, English ivy, and trumpet creeper. In addition, most of the trees in this area are in poor to fair condition. The remaining sections of the property contain scattered trees with a mowed/maintained understory and because of that, do not qualify as forest.

Because of these findings, it is still my professional opinion that no areas qualifying as "Forest" under the State Forest Conservation Act exist on the site. Furthermore, the Forest Conservation Worksheet does not need to be re-calculated. If you have any questions or if I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. Klebasko", with a long horizontal flourish extending to the right.

Michael J. Klebasko, P.W.S.
Qualified Professional per
COMAR 08.19.06.01



City of Annapolis

DEPARTMENT OF NEIGHBORHOOD & ENVIRONMENTAL PROGRAMS

145 Gorman Street, Annapolis, Maryland 21401

Annapolis 410-263-7946 • FAX 410-263-9158 • TDD 410-263-7943 • www.annapolis.gov

MARIA BROADBENT
DIRECTOR

September 16, 2013

To: Terry Schuman, P. E.
Bay Engineering, Inc.

From: Frank Biba, AICP, LEED AP
Chief, Environmental Programs

RE: Primrose Hill
Preliminary Forest Conservation Plan

Review comments from Dept. of Neighborhood and Environmental Programs and Planning and Zoning Department:

DNEP

1. "A "Forest" means a biological community dominated by trees and other woody plants covering a land area of 10,000 sq. ft. or greater." (NRA Section 5-1601(k)). It would appear that the SW side of the property – where units 1, 2 and 3 are proposed – may qualify as a forest. Please re-calculate the Forest Conservation Worksheet on Sheet LJ-102 accordingly.
2. A boundary of potential historic trees was identified in the complete FSD. In this preliminary FCP five trees within the boundary are proposed to be removed (# 10, 13, 20, 25 and 50) and impacts to the critical root zones of 6 other trees (# 28, 29, 43, 44, 45 and 46) with the construction of units 1, 2 and 3. Variance requests are required for each tree proposed for removal as noted in our January 10, 2013 FSD review, however, note P&Z comment regarding units 1, 2 and 3. Tree 59 is also within the historic boundary and the propose units 18 and 19 are well within its critical root zone. The impact on the CRZ must be minimized. See P&Z comment.
3. The proposed expansion of the existing SWM pond into the critical root zone of tree # 3 has the potential to cause significant harm. We recommend minimizing the impact on the critical root zone and keeping an expanded pond, if necessary, to the north side of the existing access road.
4. The FCP lacks utility details and preliminary grades which may further impact trees intended to be saved. Please provide.

P & Z

1. Units 1, 2 & 3 shall be relocated or eliminated as they create too much disturbance within the CRZ of trees 25, 28, 29, 44, 45 & 46. Tree 20 is in poor condition so we have no issue with its removal. All of the aforementioned trees are specimen trees, but more so, form a buffer between land uses and have become part of the site landscape. The City has not enjoyed success with the amount of disturbance proposed, hence we cannot support these units in their current locations.
2. Trees 2, 3 and 4 form the bulk of the historic landscape, invitation into the site and the common open space. Again, too much disturbance is proposed through placement of the SWM pond, roadway, parking and pathways. We cannot support the degree of disturbance proposed.
3. The SWM pond proposed adjacent to Milkshake Lane is well within the CRZs and its most detracting from the historic landscape of both the site and Milkshake Lane (houses on the opposite side are historic and front Milkshake). P & Z cannot support this large pond with significant disturbance.



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4. Units 18 and 19 cause significant impact to Tree 59. The alleyway serving these two units and units 20 – 24 could be supported through proper construction and pavement details, i.e., on/over existing grade with porous paving. Units 18, 19 and garage work well from a site design standpoint, but cause too great a disturbance to successfully save Tree 59, an important specimen tree.
5. Tree 63 is savable through proper construction and preservation techniques.



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